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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-eighth session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 7 August 1996, at 10 a.m.

Chairman: Mr. EIDE

CONTENTS

ELECTION OF OFFICERS (continued)

ORGANIZATION OF WORK

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CONTENTS (continued)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (continued)

The meeting was called to order at 10.10 a.m.

ELECTION OF OFFICERS (agenda item 1) (continued)

1. The CHAIRMAN invited the Sub-Commission to elect the third Vice-Chairman for its forty-eighth session.

2. Mr. ALFONSO MARTINEZ, speaking on behalf of the Latin American Group, nominated Mr. Fix Zamudio.

3. Mr. Fix Zamudio was elected Vice-Chairman by acclamation.

ORGANIZATION OF WORK

4. The CHAIRMAN informed the Sub-Commission that the experts of the Working Group on the Administration of Justice and the Question of Compensation appointed by the various regional groups were as follows: Mr. Chernichenko (Eastern Europe), Mr. Guissé (Africa), Mr. Yong Park (Asia) and Mr. Diaz Uribe (Latin America). He reminded the Sub-Commission that any experts wishing to do so could participate in the work of the Working Group, which was chaired by Mr. Joinet.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (continued) (E/CN.4/Sub.2/1996/9, E/CN.4/Sub.2/1996/32 and E/CN.4/Sub.2/1996/NGO/3)

5. Mr. GADIRY DIALLO (International Federation of Human Rights (IFHR)) said that, in Turkey, there had been an alarming increase in the number of arrests of journalists, deaths in custody, deaths as a result of torture in custody, extrajudicial executions, burned or evacuated villages and attacks on freedom of expression. Recently, 12 people had died after a hunger strike that they had begun in order to protest about their conditions of detention. Furthermore, 17 members of the Turkish Association for Human Rights (IHD) were currently on trial for having published an article entitled "Peace is the only solution". IFHR and IHD called on the Sub-Commission to recommend that the Commission should set up a mechanism to monitor human rights in Turkey.

6. In Tunisia, the human rights situation had seriously deteriorated over the previous year. On 23 May 1996, the Chairman of IFHR, who had wanted to meet with members of the Tunisian League for Human Rights, had been unceremoniously refused entry at the Tunis airport. IFHR believed that the only reason for sentencing Khémais Chemmari, one of its former Vice-Chairmen, to five years of imprisonment was to prevent him from exercising his right to freedom of opinion and expression, which was guaranteed by the international instruments to which Tunisia was a party. IFHR was demanding his immediate and unconditional release by the Tunisian authorities and requested the Sub-Commission to issue the strongest possible condemnation of human rights abuses in Tunisia.

7. With regard to Burundi, where the human rights situation was as urgent as ever, IFHR and the Burundian Human Rights League had condemned the military coup d'état of 25 July 1996 and were requesting the de facto authorities to restore the rule of law in Burundi without delay.

8. In Chad, summary executions, torture, disappearances and rape were still common practice, and the presidential elections of June and July 1996 had been compromised by numerous irregularities. IFHR and the Chadian Human Rights League urged the Sub-Commission to request the Commission to appoint a Special Rapporteur on the situation of human rights in that country.

9. In Nigeria, the persecution of opponents of the regime was continuing in an alarming fashion. IFHR and the Nigerian Civil Liberties Organization called on the Nigerian authorities to agree without delay to a visit from the Special Rapporteurs on summary executions and the independence of judges and lawyers. Those organizations also urged the Sub-Commission to recommend that the Commission on Human Rights should appoint a special rapporteur for that country at its next session.

10. In Colombia, the human rights situation had considerably worsened. It was high time that, in accordance with the Commission's decision at the previous session, an office of the High Commissioner for Human Rights was established in Colombia to assist the authorities and monitor the situation of human rights.

11. There were massive and systematic violations of human rights in the People's Republic of China, particularly with regard to freedom of opinion and expression. IFHR also wished to draw the Sub-Commission's attention to the anti-crime campaign, which had already resulted in over 1,000 executions for offences ranging from cattle theft to drug trafficking. IFHR and Human Rights in China called on the Sub-Commission to condemn human rights abuses in China.

12. Mrs. CARMEN (International Indian Treaty Council (IITC)) said that the right of indigenous peoples to freely practise their traditional religion, which could not be separated from their ties to the lands on which they had lived since time immemorial, was being seriously threatened, as was shown by a number of examples: the proposed forced relocation of the Dine and Hopi peoples in Arizona; the destruction of the sacred mountain of the Gross Ventre nation in Montana; the forced removal of the Ojibway people from the sacred lands in Ontario, Canada; the proposed construction of a giant telescope on Mount Graham, in Arizona, which was a sacred mountain for the Apache; the proposed construction of a nuclear waste dump in Ward Valley, California; the construction of military installations on the lands of the Mayan peoples in Guatemala and the recent arrest, in British Columbia, of the traditional Nuxalkmc spiritual leaders, who were protesting the destruction of their sacred lands by logging interests.

13. IITC requested the Sub-Commission to recognize the vital importance to indigenous peoples of their indissoluble ties between their traditional religion and their lands. It also asked the Sub-Commission to recommend that the Special Rapporteur on religious intolerance should visit the places where the right of indigenous peoples to practise their religion freely was being threatened.

14. Mr. ABDESSALAM (Europe-Third World Centre (CETIM)), President of the Association of the Families of Saharan Prisoners and Disappeared Persons (AFRAPREDESA), drew the Sub-Commission's attention to the human rights violations in Western Sahara. Of the 310 Saharans who had been released from Moroccan jails in 1991, only 6 had been able to leave Morocco and had done so in secret. The others were under house arrest and had received no compensation or medical care. Moreover, 526 Saharans were still reported disappeared.

15. Since the beginning of the cease-fire in September 1991, around a hundred Saharans had received heavy sentences for having demonstrated peacefully against the occupying forces. For example, on 20 May 1996, 10 young Saharans had been arrested in Boujdour for demonstrating in support of the Saharan Arab Democratic Republic. They had been tortured and, after an unfair trial, sentenced to long terms of imprisonment.

16. The occupying authorities were often involved in the murder of Saharan civilians. For example, Mouloud Sid Ahmed Alamin, aged 15, had been murdered by his teacher on 8 March 1996 in the Der Aidek school in Laâyoune.

17. It was to be hoped that Security Council resolution 1056 (1996), calling upon the parties to cooperate with the United Nations in the liberation of Saharan political prisoners and the exchange of prisoners of war, would be implemented. He also invited the Sub-Commission to appoint a commission responsible for investigating the situation of human rights in Western Sahara.

18. Mr. KILLI (World Federation of Democratic Youth) said that, over the past 12 years, the war between the Turkish armed forces and the Kurdish Workers' Party (PKK) had claimed over 25,000 victims, particularly among civilians. More than 2,000 Kurdish villages had been destroyed by the Turkish army as a result of the Government's scorched earth policy. Those responsible for the continuation of the conflict were not the Kurds, who were merely asserting their legitimate rights to self-determination and to be educated in their own language, but the Turkish authorities, which were refusing any peaceful political solution. The Turkish army was also torturing or eliminating Kurds who refused to serve as mercenaries in the special militia that it had created to combat the PKK. The army was attacking Kurdish villages and refugee camps in northern Iraq and was acting with the same impunity as during its occupation of Cyprus in 1974.

19. In Turkey, the conditions of detention of prisoners of war and of conscience, many of whom were of Kurdish origin or sympathizers with the Kurdish cause, were inhuman. Recently, 12 prisoners had died after a hunger strike they had undertaken to protest at their conditions of detention. It was only after heavy pressure from the international community that the Turkish Government had finally agreed to their demands.

20. His organization would point out that Turkey was required to respect the rights set out in the international instruments to which it was a party and it called on all parties to the conflict, particularly the Turkish Government, to arrive at a peaceful settlement of the Turkish question and fully respect human rights in that region.

21. Mr. HADJAR (Movement against Racism and for Friendship among Peoples (MRAP)) said that the Sub-Commission should investigate the causes of the worsening persecution of dissidents, particularly in the United States of America, Morocco, Tunisia, Nigeria and Zaire, and the collective persecution of entire peoples, as in East Timor, Palestine, Chechnya, Tibet, the Sahara and the Kurdish regions of Turkey, Iraq and Iran. The Commission must find ways of ending that disturbing aberration.

22. In Indonesia, the blood of the victims of human rights abuses had been shed almost every day for 30 years. The previous week, in downtown Jakarta, several dozen young men and women had been killed atrociously by members of the armed forces while guarding the headquarters of the Indonesian Democratic Party, whose President was Mrs. Megawati Sutarnoputri.

23. Furthermore, Indonesian Christians, particularly the Batak Protestants in northern Sumatra, were being persecuted and dozens of their churches had been set on fire. The Communion of Indonesian Churches had written to the President of the Republic in April 1996, but no steps had been taken to stop those persecutions. It was high time for the Sub-Commission, which had been regularly informed of those massacres and human rights violations for over 10 years, to take the initiative for them to be brought to a halt.

24. Mr. AL-JADIR (Arab Organization for Human Rights) said he would confine his comments to two extremely important aspects of human rights violations in the Arab countries: collective reprisals and the situation of human rights activists. Examples of collective reprisals were Israel's closure of Gaza and the activities of the Israeli forces in South Lebanon and in the western Bekaa, which had very serious consequences for the inhabitants of those regions, and the economic sanctions imposed on Iraq, which were causing immense suffering to the Iraqi population, as was shown by the infant mortality rate, which was the highest in the world. His organization had constantly called for the lifting of the economic blockade, as it had called on the Iraqi regime to work together and change the constitutional and legal systems.

25. With regard to the situation of human rights activists in Arab countries, he drew attention to the cases of three people. Mr. Iyad Al-Siraj, Chairman of the Independent Palestinian Human Rights Organization, who had been arrested for the third time in June before being released, but the case against him had not been closed; Mr. Khemais Chemmari, who had been arrested in October 1995 and recently sentenced to five years' imprisonment; and Mr. Mansour Al-Kikhia, member of the Executive Council of the Arab Human Rights Organization, who had disappeared in Cairo in December 1993. It was therefore essential for the Working Group on the Rights and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms to do everything possible to complete its draft and to submit it to the Commission on Human Rights for adoption.

26. Mrs. TREMMEL (International Human Rights Association of American Minorities) described the difficult situation of the Nuxalkmc nation, in the province of British Columbia, Canada. In addition to its non-violent stand against International Forest Products Limited (INTEFOR), the activities of

which were leading to the destruction of their natural resources and their sacred lands, the Nuxalkmc nation was opposed to the agreements that they were being pressured to accept under the pretext of economic development. On 26 September 1995, 22 of its members had been arrested, publicly humiliated and imprisoned for months in inhumane conditions with no regard for their most basic rights, after which they had been placed on probation and barred from returning to their lands. The International Human Rights Association of American Minorities requested the Sub-Commission to appoint a special rapporteur to examine the question of the violation of the Nuxalkmc and other indigenous peoples' right to freedom of religion, to request an immediate review of all procedures now being implemented against the rights of those peoples to their lands and to examine a situation which revealed a consistent pattern of gross and systematic human rights violations.

27. Mr. FOX (International Educational Development/Humanitarian Law Project (IED/HLP)) informed the Sub-Commission of the deterioration in the human rights situation in Mexico, described in three reports which had been submitted the previous July to the Inter-American Commission on Human Rights and were available to the members of the Sub-Commission. The Mexican Government's image, in the eyes of the international community, of a Government that respected human rights was belied by reality: summary executions, political assassinations, disappearances, torture and arbitrary detention were common practice. Several trends were particularly disturbing. The recent adoption of national security legislation that trampled underfoot previous constitutional guarantees and violated international law threatened to lead to a militarization of civil society, and there was widespread corruption of the police and security forces. People in farming areas faced constant violence and insecurity. There had been a massive increase during the past year in the harassment of, and death threats against, human rights activists. More and more documents revealed the continued lack of independence of the judiciary. Finally, the increasing militarization of some of the poorest regions of the country, under the pretext of fighting the traffic in drugs, had serious consequences for the people of those regions.

28. IED/HLP therefore called on the Sub-Commission to adopt a resolution expressing its concern at those increasingly numerous violations, to urge t. : Mexican Government to take immediate steps to put an end to those violations and bring the perpetrators to justice, and to request the Commission on Human Rights to appoint a special rapporteur or independent expert to investigate and report on the serious situation in Mexico.

29. Mr. SHIOKAWA (International Association of Democratic Lawyers) called the Sub-Commission's attention to the especially intolerable violations of the human rights of foreign workers in Japan. The rise in the number of foreign workers in Japan over the past few years had been accompanied by flagrant violations of their rights. There was a situation of virtual lawlessness with regard to such workers, who must tolerate minimum wages, unjust dismissals and no compensation for accidents in the workplace. The treatment of illegal foreign residents, of whom there had been about 280,000 in 1994, was particularly disturbing, since they were at the mercy of their employers. He went on to describe briefly the case of workers from Sri Lanka, Iran, Peru,

the Philippines and Brazil who were exploited in those ways and expressed the hope that the Japanese Government would take immediate steps to prevent such violations.

30. Mr. HAMAD (International Working Group for Indigenous Affairs) said that, although the fundamental human rights were guaranteed by the Constitution in Zanzibar, there was no effective enjoyment of those rights. In that regard, a series of violations and abuses had been committed by the present regime in Zanzibar, particularly against people who opposed the regime: discrimination against the inhabitants of the two islands on the grounds of differences in political ideology, intimidation, threats and torture, unlawful arrests and detentions, unfounded accusations, demolition of homes, denial of fair access to the media, attacks on freedom of association and expression and violation of the principle of equality under the law. Nevertheless, the opposition would continue to fight to defend its rights, and he hoped that the Sub-Commission would express its concern about that situation.

31. Ms. GRAF (International League for the Rights and Liberation of Peoples) mentioned the case of three countries where the human rights situation continued to be disturbing. The first was Colombia, where murders, threats, enforced disappearance, torture, and arbitrary detention were still being used against dissidents and human rights activists. Not only had the Colombian Government failed to act on the proposal to set up a permanent office of the High Commissioner for Human Rights, but three new events that had taken place since the previous session of the Commission were disturbing for the future: President Samper's decision to place before Parliament a bill to bring in the death penalty, the introduction of "special public order zones", controlled by the armed forces, and a bill to modify article 220 of the Constitution with a view to restricting the activities of public non-governmental organizations monitoring respect for human rights.

32. The second case was that of Indonesia, where there was total disregard for the human rights of workers. The massive strikes and demonstrations which had taken place in Jakarta and Surabaya over the past few months had been brutally suppressed. The International League for the Rights and Liberation of Peoples demanded the unconditional release of the union activists arrested as a result of those events, in particular Mochtar Papkpahan, a union leader who was accused of subversive activities and might receive the death penalty, since they had merely been exercising their right to freedom of expression and association.

33. Lastly, progress towards a solution to the conflict in Western Sahara was at a standstill because the voter registration process for the referendum on self-determination had been suspended. All contact between Saharan citizens and Blue Helmets was forbidden. Hundreds of Saharans were being deported to Morocco, while the Moroccan Government was settling many Moroccan colonists in the occupied territories of Western Sahara so that they could vote in the referendum. The Sub-Commission must ensure that the Security Council fulfilled its commitments.

34. Mr. KALIMBA (Survival International Limited) spoke of the extremely precarious situation of the Batwas/Pygmies in Rwanda who, although they had

been the first to inhabit the country, were at present totally marginalized and deprived of their land, means of production, government representation and opportunities for education and employment. They could not play any role in the conduct of public affairs, had no religious representative, and the name of their ethnic group no longer appeared on identity cards. Subjugated by the Bahutus and Batutsis, who were in the majority, and left to themselves in utter destitution, they were exploited and humiliated and had lost their share of innocent victims to war: 10,000 of them had died in the war of April 1994, 10,000 more were refugees and 3,000 had been imprisoned. His organization called the attention of the Sub-Commission to the fate of those detainees, most of whom were certainly innocent, and urged it to help ensure that they were brought to trial in the near future and had the benefit of lawyers to defend them.

35. Mr. SEIXA (International Federation of Action by Christians for the Abolition of Torture (ACAT)) said he was a member of the Association of East Timorese Former Prisoners, which had been created in exile because, like all other independent associations, it was prohibited by the Indonesian occupiers of his own country. As a nurse working on the Indonesian military health team from 1975, the date of the invasion of East Timor by Indonesia, to 1978, he had seen many cases of torture, rape and execution of Timorese at Bacau Regional Hospital. He had personally received a death threat from the officer in charge of the hospital, to whom he had protested about such practices.

36. In 1983, talks had been held between the Indonesian army chiefs and the head of the Timorese resistance movement. When the Timorese resistants had refused to surrender, the Indonesians had retaliated by murdering thousands of men, women and children. He himself had been arrested in November 1983 and had survived only because, as administrative chief, he had become known to certain Australian members of parliament. During his imprisonment in the cells of the political police in Dili, where he was tortured, he had got to know many Timorese who had later "disappeared" one night. There had been at least 150 of them. In May 1984, he had been tried by a military court, which had sentenced him to 12 years' imprisonment. Three of his fellow prisoners had died soon after their release from prison in Jakarta as a result of the ill-treatment that they had received.

37. Although the suffering of the people of East Timor had been frequently reported to the Sub-Commission, the international community had not taken any effective steps to put an end to the abuses committed by the Indonesian Government. Were the rights of the Timorese people less important than those of the peoples of Kuwait or Bosnia just because they had been violated for over 20 years? Only recently, violence had been committed by the Indonesian armed forces against civilians in Aileu, Dili and Baucau; a number of people had been killed and hundreds of others arrested.

38. The Association of East Timorese Former Prisoners and the International Federation of ACAT urged the Sub-Commission to request the Indonesian authorities to invite the Working Groups on Arbitrary Detention and Enforced or Involuntary Disappearances to visit East Timor with a view to implementing

the UNHCR resolution of 1993 and acting on the statements made by the Chairman of the Commission on Human Rights in 1992, 1994, 1995 and 1996, which had remained a dead letter.

39. Mr. GOONTILLEKE (Observer for Sri Lanka) said that the Government of Sri Lanka continued to make the peace process initiated after the elections of August 1994 a high priority. Despite the attitude of the Liberation Tigers of Tamil Eelam (LTTE), the Government was still committed to working towards a peaceful solution to the conflict in the Northern and Eastern Provinces of Sri Lanka through deliberations within the Parliamentary Select Committee on Constitutional Reform.

40. Terrorism was not confined to any one State and no one State could combat alone, so he welcomed the measures taken by some members of the international community. Sri Lanka was also gratified to note that the international community had, albeit belatedly, focused its attention on the fund-raising efforts of terrorist organizations and the abuse of political asylum for that purpose.

41. Since the Sub-Commission's previous session acts of terrorism had escalated in Sri Lanka: an attack on an oil tank complex in Colombo in October 1995, the massacre of several hundred civilians in villages bordering the Northern and Eastern Provinces in September and October 1995 and in Eluvankulam in June 1996, the bombing of the Central Bank of Sri Lanka in Colombo in January 1996 and, during the same month, the bombing of a train, which had resulted in numerous victims. All of those acts had been carried out in order to cripple the country's economy and provoke the Sinhalese into attacking the Tamil minority living in the south, which would give the LTTE a pretext to continue its armed struggle. With the help of the millions of dollars that it extorted monthly from the Tamil diaspora abroad, the LTTE was able to wage a relentless war against the Sri Lankan people. Following the unilateral termination by the LTTE of the agreement on the cessation of hostilities on 18 April 1995, the Government had been forced to adopt an alternative strategy with a view to directly involving the Tamil population in the northern peninsula in the peace process. That goal had been achieved in May 1996, when the Sri Lankan security forces had liberated the Jaffna peninsula from the LTTE. The voluntary return of some 450,000 Tamil civilians to that region was proof of the community's confidence in the Government and the peace process.

42. With regard to the search for a political solution to the problems facing the Northern and Eastern Provinces, deliberations within the Parliamentary Select Committee on Constitutional Reform had made it possible to take an important step. The proposals submitted by the Government with a view to the devolution of power had generated wide debate in the media and among the general public, and the political parties were currently negotiating with a view to a consensus. It would then be possible for Parliament, and then the public, to adopt amendments to the Constitution at a referendum. Since the ongoing process must be accompanied by measures to resettle the people who had returned to the Jaffna peninsula and to reconstruct the region, the Government had established a special body and proposed a financial package for that purpose.

43. Among the important developments in the field of human rights since the Sub-Commission's previous session were the adoption by Parliament, on 10 July 1996, of a law establishing the Human Rights Commission of Sri Lanka and the steps taken with a view to Sri Lanka's accession to the Optional Protocol to the International Covenant on Civil and Political Rights. Furthermore, the three presidential commissions appointed to investigate disappearances were expected to submit their report to the President in the near future.

44. In conclusion, he reaffirmed his Government's commitment to the promotion and protection of human rights and to the search for a peaceful resolution of the conflict in the north and east of the country and the fight against the terrorism that had weakened the country for so many years.

45. Mr. ULUÇEVIK (Observer for Turkey) said that the Sub-Commission, by its nature, played an essential role in the proper functioning of the United Nations human rights system. Unfortunately, the rising aspirations to democracy throughout the world were facing serious challenges that boded ill for the future. The re-emergence of racism in certain parts of the world was alarming, and no country was immune from terrorism, which threatened the fundamental right to life, liberty and security of person on which all the other human rights and fundamental freedoms were founded. In order to defeat it, countries must demonstrate determination and unfailing cooperation, in which connection, he welcomed the recent high-level meetings in Sharm-el-Sheikh, Lyons and Paris. Like other countries afflicted by that scourge, Turkey had launched numerous appeals for the adoption of effective measures to eliminate it. Moreover, Turkey had played a very active role in the drafting of the resolutions on racism and terrorism that had been adopted in recent years by the General Assembly and the Commission on Human Rights. In that regard, Turkey hoped that the Sub-Commission would complete the working paper on the question of terrorism and human rights under its resolution 1994/18.

46. Turkey, a pluralist democracy based on respect for human rights and the rule of law, had been subject to a vicious terrorist campaign waged by the Kurdish Workers' Party (PKK), which had cost the lives of thousands of innocent civilians. Those terrorist acts were hindering progress towards the realization of human rights, as had been mentioned by several of the Commission's thematic rapporteurs. Terrorism could not be tolerated, regardless of the identity of the perpetrators and their motivations, and it was, indeed, ironic that some terrorists claimed to be acting in defence of human rights and made use of the United Nations human rights machinery for their abominable purposes. Despite the criticism of the Turkish Government, which served only to encourage the terrorists, the Government was determined to eradicate PKK terrorism. At the same time, Turkey was taking measures to better guarantee human rights: the Constitution had been amended to ensure greater political participation by various groups of society and their members, and article 8 of the Anti-Terrorism Act, which dealt with freedom of opinion and expression, had retroactive effect and had led to the release of 200 prisoners. Lastly, the Turkish Government renewed its invitation to the Commission's Special Rapporteur on the right to freedom of opinion and expression to visit Turkey.

47. Mr. GUISSE said that the progress made in the field of human rights was inadequate and, indeed, insignificant, despite the wide-ranging discussion each year under item 6 of the Sub-Commission's agenda. Although human rights were set forth and promoted as well as possible, they were increasingly devoid of meaning for most of the citizens of the world. The least respected right, at present, was the right to life, as was shown by the inter-ethnic massacres that had taken place in Rwanda and Burundi and in Bosnia and Herzegovina. In addition to those organized massacres, infanticide, the assassination of street children, summary executions and enforced disappearance were common practices that claimed thousands of victims throughout the world.

48. The armaments industries were the only ones that still flourished, and arms traffickers were the nouveaux riches of contemporary society. Increasingly sophisticated weapons of destruction were rarely used in the countries in which they were produced. The five Permanent Members of the Security Council provided 85 to 90 per cent of the arms used in the world, yet it was they who were responsible for ensuring the security of all.

49. The right to life was also made a mockery when entire populations were kept in a state of abysmal poverty. Economic imbalances between countries led to gradual extermination of the poor. Furthermore, by destroying ecosystems and violating the right of every individual to a healthy environment, polluting industries and those who trafficked in toxic wastes were also a serious threat to life. In such a situation, one could only conclude that those responsible were the international community, in its inefficiency, and States, locked into their egotism. The imposition by certain States of embargoes on vulnerable populations in the name of sanctions, as in Iraq, where thousands of children had died, also constituted a systematic violation of the right to life. In future, the international community should refrain from resorting to such sanctions.

50. The increasingly numerous economic and political refugees also lived in tragic conditions despite the adoption by the United Nations and regional organizations of conventions intended to protect them. Refugee camps had become concentration and extermination camps from which the international community averted its gaze.

51. Again, the inhuman conditions of detention in certain countries were the cause of a threat to the right to life. Detainees were dying in prisons by the thousands, with the complicity of the authorities. States should strictly apply the Standard Minimum Rules for the Treatment of Prisoners. All of those problems showed that the time had come to undertake a real reform of the international organizations to make them more effective in protecting human beings and their rights.

52. Mr. FAN Guoxiang said that the cause of human rights and fundamental freedoms had often been pleaded in national, bilateral and international forums and that the universal realization of those rights could not be achieved without taking into account national and regional particularities and differing historical, cultural and religious backgrounds.

53. Some people had established a link between the concept of human rights, the United States Declaration of Independence and the French Declaration of the Rights of Man and of the Citizen. A century before the French Revolution, the British Parliament had also adopted a Bill of Rights. Moreover, some historians said that the term "human rights" had first appeared in Dante's Divine Comedy. While they had all had an indelible impact on contemporary world history, they represented only one historical stage in the evolution of human rights, which had already existed in ancient Greece and under the Roman Empire. In China, too, 2,000 years ago, Confucious and other great philosophers had advocated a form of government in which the rights of the people would be respected.

54. In the first half of the twentieth century, the rise and fall of Fascism had reminded the world population of the crucial importance of promoting human rights and fundamental freedoms for all, without distinction as to race, colour, sex, language, religion, political or other opinions, national or social origin, property or birth. During the second half of the twentieth century, the collapse of colonialism had given birth to over a hundred independent nations, which were entitled to claim the right to self-determination and development. Thus, human rights and their materialization were the result of a long historical process and could not be dissociated from the social conditions and specific backgrounds in which they had appeared. Any static appreciation of the question would, therefore, be misleading.

55. He went on to sum up the various regional instruments to protect human rights and the bodies created to monitor implementation: in Europe, the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the implementation of which was monitored by the European Commission and the European Court of Human Rights, and the European Charter of 1961; in Latin America, the American Declaration of the Rights and Duties of Man of 1948, the American Convention on Human Rights of 1978, which was monitored by the Inter-American Commission and the Inter-American Court and, in 1993, the Final Declaration of San José, which emphasized the importance of international cooperation in guaranteeing the exercise of all human rights and, in particular, the right to development; in Africa, the African Charter on Human and Peoples' Rights of 1981 and the Tunis Declaration of 1991, which emphasized that there was no ready-made model for human rights, since the historical and cultural realities of each nation could not be disregarded, and that political freedom was precarious unless it was accompanied by respect for economic, social and cultural rights; and, finally, in Asia, the Bangkok Declaration of 1993, which emphasized the principles of respect for national sovereignty and territorial integrity, non-interference in the internal affairs of States and the non-use of human rights as an instrument of political pressure, and also stressed the need to take national and regional specificities into account in setting international norms in the field of human rights.

56. In every part of the world, human rights were not an abstract and uniform idea but rather a reflection of the social concepts, philosophies, cultures, religions and ways of life of different communities. In Western tradition, the rights of individuals were the basis for human rights, although no one asserted that those rights could not be limited in order to guarantee

the rights of others and in the interests of all. However, the idea of collective human rights was of growing importance, particularly in developing countries. The historical experience and traditions of those countries were leading them to realize the crucial value of the right to independence and the right to development as collective rights, the enjoyment of which was an indispensable requirement for the promotion of personal rights. In those countries, individuals were encouraged to make a greater contribution to the common welfare, even, if necessary, at the expense of their own interests, since they also had a duty to society. Oriental tradition tended to give more weight to the individual's obligation to the family, the community and the nation, and the idea of absolute and unlimited personal freedom was not tolerated either by law or by morals. Whereas Western scholars were of the opinion that democracy and political freedom would pave the way for economic development, experts from the developing countries believed that economic progress and social harmony were the conditions for the realization of political and civil rights.

57. Democracy was an evolving process with many manifestations and expressions, but its very essence was the rule of the people. That basic principle was expressed in varying ways in the Constitutions of different countries, depending on the specific circumstances in which those countries had been born. Power could be vested in the people through periodic elections, which might be direct or indirect, according to their traditions, the size of their populations, and their economic and social levels. Political parties were organized to represent the interests and opinions of groups and communities and, in the opinion of some scholars, pluralism was crucial to a democratic political life. Other experts, including himself, did not share that view and noted that those "pluralist" systems were often dominated by two large parties that took turns in office and offered the people no real choice. The supervision of government by the people was another component of democracy and, there again, the solution varied from nation to nation. Some countries chose a system where independent legislative, executive and judicial powers co-existed, while others preferred systems under which, for example, the executive and judicial bodies were responsible to an elected Parliament.

58. The coordination and regulation of the interests of different communities could not be neglected. Some countries considered that the best solution in that regard was systematic vote-casting, while others felt that a more effective solution was to arrive at a consensus after repeated democratic consultations and necessary mutual concessions.

59. Some scholars felt that the role of a democratic government was, on the one hand, to protect the rights and interests of individuals and, on the other, to limit under the law, by punitive means when necessary, actions that were harmful to social stability and national security. The rule of law in a democratic society was a combination of protection, education, limitation and punishment. In the Western world, some made personal freedom the first priority, whereas oriental tradition associated freedom with discipline, rights with duties and self-respect with respect for others. In any case, the Government was legally responsible for respecting the common will and the interests of the people as a whole. In that regard, it was clear that a nation would support a government and leaders that were able to ensure social

progress, economic development and a higher standard of living, resolve conflicts among various groups to the satisfaction of the majority and deal with the problems and crises that posed a threat to public order and national security. It was on those bases that the value of a given model of democracy would ultimately be judged.

60. If the principles set forth in the Charter of the United Nations and the Universal Declaration of Human Rights were to be universally implemented, the specific characteristics of different countries and regions must be respected. Some, perhaps, were accustomed to passing judgement on human rights issues from an abstract and biased point of view, on the basis of the concept of human rights in their own region, without sufficient knowledge of the concepts of other countries and other regions. Some, who had goals other than the promotion of human rights, had distorted the idea of universality in order to impose supposedly universal standards on other countries through multilateral organizations. For example, they felt that they had the right to overthrow the government of a small nation and set up another by resorting to the use of armed force under the pretext of "humanitarian intervention" and the "restoration of democracy".

61. The world was no longer bipolar but increasingly "multi-polar", a fact which offered greater possibilities for creating conditions favourable to peace, development and the protection of human rights. However, the goal of the international community, and in particular the Sub-Commission, should be the true, genuine and impartial realization of human rights on the basis of international democratic pluralism.

62. Mr. EL-HAJJE requested that the full text of Mr. Fan Guoxiang's statement should be circulated to the members of the Sub-Commission.

63. Mr. BOSSUYT said he did not think that was necessary, since the members of the Sub-Commission had a summary record of the meeting. In that regard, he hoped that the practice of issuing summary records, which made it possible to gain a sense of the general import of the statements made during a session, would be continued. He also hoped that they would be made available more rapidly.

64. Mr. ALFONSO MARTINEZ said that it would none the less be useful to circulate the full text of all statements made by experts, since the summary records, by definition, did not reflect the entire discussion.

65. Mr. KHALIFA said it was no secret to anyone that significant changes in international relations had an impact on human rights and that the problems in that area were linked to world political and ideological struggles. Since the end of the cold war, the human rights situation had deteriorated, particularly with regard to the right to development. Admittedly, it was not always useful to draw up a complete list of massive human rights violations, but one could not fail to mention certain cases. For example, the atrocities committed in Srebrenica were a flagrant example of the potential degree of human savagery.

The responsibility for those horrors lay not only with the Bosnian Serbs, but also with the international community as a whole for allowing such events to take place. Some might have acted but had not done so because they lacked real political will. In another part of the world, but also in a region under United Nations protection, during the Cana massacre, those who had boasted of the extreme precision of their military attacks had been responsible for the deaths of over a hundred innocent people. The Israeli authorities had tried to justify that act by claiming that guerrillas were firing on Israel from a point near the Cana camp. Yet, even if that information was correct, how could the massacre of innocents be tolerated and should Israel not be asked what gave it the right to remain in South Lebanon?

66. Two general factors were the cause of the current human rights situation in the world. The first was globalization, which had eliminated all borders. Under such circumstances, if only one country, for example, the United States, which had emerged triumphant from the cold war, was capable of taking control, the result was a situation of economic, political and cultural hegemony. Nevertheless, as the Chinese Prime Minister had said, "if a single superpower seeks to impose its will, the world will become a very dangerous place". Absolute power corrupted and encouraged arbitrariness, even towards the allies of the one in power. The world economy was now characterized by the hegemony of the most powerful, and free trade, invoked by the proponents of globalization, in the end served the interests of only a few. For example, the United States, which had imposed an economic embargo on Cuba, Iran and Libya, was pressuring its European allies to do the same. But some of those European countries, and also China and Russia, were beginning to think that American hegemony could no longer be endured and were becoming formidable players on the political and economic scene.

67. The second factor was recolonization. Undeniably, Africa was, at present, a "lost continent". The problem, though long-standing, had not only started to be seen at the end of the cold war. When the first signs of Africa's disintegration had appeared, humanitarian assistance operations had been set up, trusteeships had been proposed for some countries, and elections had been organized under the watchful eye of foreign experts. African countries did, of course, need assistance, but that did not mean they wanted their resources to be depleted or for western countries to interfere in their domestic affairs. Africans must again resist the colonizers, undertake their own democratization and reconsider the borders that had emerged after colonization, without allowing their continent to be pillaged. History had shown that it was impossible for economies to develop in the shadow of foreign tanks and that the models of democracy that the colonizers had brought with them were no longer valid. In any case, foreign powers did not help African countries when it was not in their interests to do so, as was shown by the example of Liberia.

68. In the francophone African countries, France jealously guarded its economic privileges and had signed military cooperation agreements with a number of countries. Thus, in the Central African Republic, French forces had recently opened fire on demonstrators in Bangui, killing hundreds of people who were protesting at injustice and corruption.

69. Furthermore, there had been unprecedented massacres in Rwanda and Burundi as a result of manoeuvres by which the former colonial powers had played some actors off against others. In that regard, it must be emphasized that conflicts did not occur only as a result of ethnic tensions; they were often provoked by warlords or mercenaries and even, at times, by semi-official western organizations supposedly responsible for training the police and armed forces. Assistance and rescue operations themselves could be a source of conflict if their neutrality was called into question. Clearly, the world had entered a period in which all the human rights achievements of the "golden age" of the cold war were being undone.

The meeting rose at 1.05 p.m.